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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,300	09/24/2003	David Holden	DH-001	8019
7590	12/17/2004		EXAMINER	
Dane C. Butzer 681 Woodduck Ct. Columbus, OH 43215			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 12/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/671,300

Applicant(s)

HOLDEN, DAVID

Examiner

Tan Le

Art Unit

3632

new

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7, 11, 13, 14 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12, 15, 16 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is the first office action for serial number 10/671,300. This application contains 20 claims numbered 1-20.

2. Applicant's election with traverse of the Group I, species of Figures 3-6 including claims 1-6, 8-10, 12 and 15-17 in the reply filed on 08/02/04 is acknowledged. The traversal is on the ground(s) that "the claimed process (claims 17-19) and apparatuses are not believed to be distinct". This is not found persuasive because Applicant does not explain or prove as to why these claims are not believed to be distinct.

The requirement is still deemed proper and is therefore made FINAL.

3. Currently claims 1-6, 8-10, 12, 15-16 and 20 are readable to the species elected.

An examination as follows:

4. Claims 7, 11, 13-14 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim.

Applicant is reminded that those claims indicated as withdrawn, the status of these claims in the next response must be indicated in a parenthetical expression (status identifier) as "withdrawn". An examination as follows:

Claim 8, line 1, "have" should be changed to -has --.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-10, 12, 15-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,149,229 to Dillon, Jr. et al.

Regarding claims 1-6, 8-10, 12, 15-16 and 20, Dillon, Jr., et al discloses a clip or connecting member (16) for attaching to a vehicle seat storage device, comprising all of the limitations substantially as claimed as evidently shown on Figs. 1-3, which comprises two plates (24, 26, a spacer that connects and holds the plates apart by a gap, and at least one part of a hook-and-loop fastener (28, 30) attached to at least one of the plates opposite the other of plates; the plates being rectangular and different sized from each other; each plate has a surface area of several inches and the gap appears to be one or more inches. Dillon, Jr. et al also discloses the connecting member can be constructed from rubber or plastic or steel (col. 2, line 56).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

4,951,910 to March

6,073,899 to Omrani

5,037,051 to Moriello

6,672,621 to Moss

5,269,484 to Jones

4,782,883 to Braiotta.

The above patents disclose various types of clips having at least part of a hook-and-loop type fastener.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
Patent examiner  
December 11, 2004.